

Message Text

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INFO OCT-01 CCO-00 RSC-01 SS-20 SSO-00 ISO-00 PA-04 USIE-00

NSC-07 NSCE-00 CIAE-00 INR-10 NSAE-00 INRE-00 L-03

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TO AMEMBASSY JIDDA IMMEDIATE

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TOSEC 238

E.O. 11652: N/A

TAGS:

SUBJECT: STATE BRIEFING, FRIDAY, JUNE 14 -- CARLYLE MAW

Q: BOB (ANDERSON), COULD YOU GIVE ANY INFORMATION ON WHAT MR. MAW'S ROLE IS, IN DEFENDING THE SECRETARY?

I GATHERED FROM THE STORY IN THE WASHINGTON POST THIS MORNING THAT HE HAS A RATHER INVOLVED ASSIGNMENT HERE. COULD YOU GIVE ANYTHING ON THAT?

A: I HAVEN'T GOT VERY MUCH, BERNIE, BUT LET ME SAY JUST ONE OR TWO THINGS:

I READ THE POST STORY ALSO. I BELIEVE THERE'S A COMMENT IN THERE -- I DON'T HAVE IT IN FRONT OF ME -- THAT HE, CARLYLE MAW SAW, OR WENT TO SEE, OR CONTACTED JUDGE SMITH YESTERDAY. THAT IS NOT CORRECT. HE DID NOT HAVE ANY CONTACT WITH JUDGE SMITH.

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WHAT HE DID DO WAS -- LET ME START OUT THIS WAY: IN HIS

CAPACITY AS A LEGAL ADVISOR TO THE SECRETARY OF STATE AND TO THE STATE DEPARTMENT, HE HAD RECEIVED A LETTER FROM SENATOR FULBRIGHT, FOLLOWING SECRETARY KISSINGER'S LETTER LAST MONDAY, WHICH YOU ALL HAVE RECEIVED, ASKING THE LEGAL ADVISOR OF THE STATE DEPARTMENT, I.E. CARLYLE MAW, TO PROVIDE DOCUMENTS WITH REGARD TO THE SENATE FOREIGN RELATIONS COMMITTEE CONSIDERATION OF THE REQUEST IN KISSINGER'S LETTER.

HE THEN REPLIED ON THE SAME DAY, ON THE 12TH, ASSURING SENATOR FULBRIGHT OF COMPLETE COOPERATION HERE.

NOW IN ORDER TO BE AS COOPERATIVE AS POSSIBLE AND IN ORDER TO FULFILL HIS ROLE AS A LEGAL ADVISER OF THE STATE DEPARTMENT, AND THE LEGAL ADVISER TO THE SECRETARY, AND INCIDENTALLY, ALL LEGAL ADVISERS, AS MOST OF US KNOW -- THEY ALWAYS ASSIST ANY SECRETARY OF STATE IN PREPARING FOR CONGRESSIONAL HEARINGS OF ANY SORT.

SO WHAT IS HIS ROLE HERE? WHAT IS HIS JOB HERE? IT'S TO COLLECT ALL THE AVAILABLE, RELEVANT, MATERIAL FOR TWO REASONS:

ONE, SO THAT THE SECRETARY CAN KNOW WHAT THE MATERIAL IS.

AND THE SECOND REASON IS SO THAT THIS MATERIAL CAN BE MADE AVAILABLE TO THE SENATE FOREIGN RELATIONS COMMITTEE.

AND SO, TO GO BACK TO WHAT I SAID IN THE VERY BEGINNING, WITH REGARD TO JUDGE SMITH: HE ASKED THE JUSTICE DEPARTMENT FOR ANY RELEVANT DOCUMENTS. AND IT WAS THE JUSTICE DEPARTMENT THAT EITHER WENT TO, OR WAS GOING TO -- I DON'T HAVE THE DETAILS ON THAT -- TO TRY TO OBTAIN THOSE RELEVANT DOCUMENTS.

Q: FROM SMITH?

A: YES, IT'S THE JUSTICE DEPARTMENT.

Q: MEANING THAT JUSTICE DIDN'T HAVE THESE DOCUMENTS?
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ONLY SMITH HAD THEM?

A: I DO NOT KNOW ALL THE DETAILS THERE. BUT THERE ARE SOME DOCUMENTS THAT JUDGE SMITH HAS, I BELIEVE THE LEGAL TERM IS THAT THEY ARE "IN CAMERA" I THINK IT IS.

Q: THESE ARE UNDER DISCUSSION IN THE HOUSE.

A: MAYBE THAT'S IT, MAYBE THAT'S IT. I JUST AM NOT A
RESIDENT EXPERT IN THIS SUBJECT.

Q: BUT BOB, MAW IS NO MORE CHIEF LEGAL OFFICER OF THE
STATE DEPARTMENT, IS HE?

A: OH, YES, YES, HE IS.

I MEAN, THE PRESIDENT HAS NOMINATED HIM TO BE UNDER
SECRETARY FOR SECURITY ASSISTANCE -- BUT UNTIL THE SENATE
DECIDES TO ACT ON THAT NOMINATION, HE IS THE LEGAL
ADVISER OF THE DEPARTMENT. AS SUCH TIME AS HE IS NO
LONGER THE LEGAL ADVISOR OF THE DEPARTMENT, HE WILL NOT
BE INVOLVED IN THIS PROBLEM.

A: BOB, I DON'T INTEND THIS TO BE AN UNFAIR QUESTION,
BUT I AM TRYING TO SORT OUT IN MY MIND, WHAT PRECISELY,
MR. MAW IS DOING ON BEHALF OF, OR FOR, THE SECRETARY
WHICH AN OUTSIDE LEGAL COUNSEL WOULD NOT BE DOING? IS HE
PERFORMING THE SAME FUNCTIONS?

A: I JUST DON'T KNOW.

ALL I KNOW IS THAT WHAT I HAVE TOLD YOU HERE IN HIS
CAPACITY AS A LEGAL ADVISOR OF THE DEPARTMENT AND TO THE
SECRETARY -- WHICH IS SPELLED OUT BY STATUTE -- AND I
KNOW NOTHING ABOUT ANY QUESTION OF ANY OUTSIDE COUNSEL, OR
ANYTHING ELSE.

THE SECRETARY OF STATE ADDRESSED HIMSELF TO THAT IN HIS
PRESS CONFERENCE, AND I HAVE NOTHING ELSE TO ADD.

Q: WHAT I AM TRYING TO FIND OUT, BOB, IS IN EFFECT: IS
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MR. MAW ACTING AS A LEGAL COUNSEL FOR THE SECRETARY?

A: NO HE IS NOT. HE IS CARRYING OUT HIS DUTY AS LEGAL
ADVISER OF THE STATE DEPARTMENT, THAT IS ALL.

Q: BOB IN THAT CONNECTION YOU HAVE TWICE MENTIONED --
AND I ASK THIS OUT OF IGNORANCE -- COULD YOU PLEASE CHECK
-- I DON'T KNOW WHAT THE HISTORY IS OF THIS -- YOU
TWICE SAID, " AS THE LEGAL ADVISOR TO THE SECRETARY OF
STATE AND THE DEPARTMENT OF STATE."

A: RIGHT.

Q: HAS THAT BEEN TRUE? I MEAN, IS THAT TRUE OF ALL LEGAL
ADVISORS, THAT THEY ARE BOTH THE LEGAL ADVISOR TO THE

DEPARTMENT -- AND THE SECRETARY OF STATE?

A: IT IS MY UNDERSTANDING THAT IT HAS ALWAYS BEEN THAT WAY.

MAYBE THE THING TO DO, MARVIN, IS TO -- LET'S DIG OUT THE STATUTE AND YOU CAN HAVE A LOOK AT IT.

AS FAR AS I KNOW, IT'S ALWAYS BEEN THIS WAY. WHEN ABE CHAYES WAS HERE, AND ALL SORTS OF PAST LEGAL ADVISERS.

Q: I NEVER HEARD THE EXPRESSION USED THAT WAY AND THAT'S WHY I ASKED.

A: WELL I ASKED -- I LOOKED INTO THIS THIS MORNING, AND THIS IS WHAT WAS GIVEN TO ME -- TO SPELL IT OUT RATHER SPECIFICALLY FOR YOU HERE. SISCO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL RESIGNATIONS, PRESS CONFERENCES, ATTORNEYS, TOSEC 238
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE128358
Document Source: CORE
Document Unique ID: 00
Drafter: MDK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740155-0792
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740641/aaaabjbj.tel
Line Count: 185
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PRS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: smithrj
Review Comment: n/a
Review Content Flags:
Review Date: 16 OCT 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 OCT 2002 by PhilliR0>; APPROVED <10 JAN 2003 by smithrj>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STATE BRIEFING, FRIDAY, JUNE 14 -- CARLYLE MAW Q: BOB (ANDERSON), COULD YOU GIVE ANY INFORMATION ON WHAT
TAGS: PFOR, US, (KISSINGER, HENRY A), (MAW, CARLYLE)
To: JIDDA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005